

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Gorgee Enterprises, Inc., et al.,

Complainants,

vs.

America's Dream Limousine Service, Inc.

Defendant.

Case 01-11-044  
(Filed November 28, 2001)

**ASSIGNED COMMISSIONER'S RULING AND SCOPING MEMO**

**Summary**

Pursuant to Rules 6(b)(3) and 6.3 of the Rules of Practice and Procedure, this Ruling sets forth the procedural schedule, assigns a presiding officer, and addresses the scope of the proceeding after the April 9, 2002, prehearing conference (PHC).

**Background**

Complainants allege that Defendant America's Dream Limousine Service, Inc. does not hold authority to conduct taxi service, operates on other than a mileage or time basis, provides immediate response to telephone requests for transportation service, has entered into license agreements to provide taxi and sightseeing service, obtains customers by waiting at various hotels, picks up passengers who hail the driver, conducts trips of short duration, and drivers prepare waybills improperly. Complainants also allege that Defendant's liability insurance carrier canceled Defendant's insurance as a result of Defendant's misrepresentation of the nature of Defendant's business in obtaining the policy.

Defendant filed a motion for leave to file an answer to the complaint that the assigned administrative law judge granted at the PHC on April 9, 2002. Defendant's answer denies Complainants' allegations, and alleges that a Commission investigator found minor violations in Defendant's business operations, which Defendant has corrected. Defendant admits its insurance company canceled its insurance but had no grounds to cancel its insurance and has failed and refused to provide Defendant with any evidence to support the basis for that cancellation.

### **Scope of the Proceeding**

In the filed pleadings and at the PHC, the parties define their dispute as centering on one issue, violation of Pub. Util. Code § 5360.5(b) and General Order (GO) 157-C, part 3. Section 5360.5(b) provides that:

For purposes of this section, "prearranged basis" means that the transportation of the prospective passenger was arranged with the carrier by the passenger, or a representative of the passenger, either by written contract or telephone.

Further, Section 5360.5(a) provides that charter-party carriers of passengers shall operate on a prearranged basis within this state. GO 157-C, section 3.01 requires charter-party carriers to provide transportation only on a prearranged basis. Section 3.03 provides that a carrier is not authorized to engage in taxicab transportation service licensed and regulated by a city or county. Based on the parties' representations, the issue in this proceeding is whether Defendant operates as a taxicab in violation of Section 5360.5 and GO 157-C.

## **Schedule**

The schedule for this proceeding is as follows:

June 21, 2002	Complainants and Defendant serve direct testimony
July 5, 2002	Complainants and Defendant serve rebuttal testimony
July 16 and 17, 2002	Evidentiary hearings
....	Concurrent briefs filed, per schedule to be set by later ruling
....	Concurrent reply briefs filed per schedule to be set/Projected submission date
....	Presiding officer's decision filed within 60 days of submission
....	Presiding officer's decision becomes effective (unless appeal filed within 30 days per Pub. Util. Code § 1701.2(a) and Rule 8.2)

## **Category of Proceeding and Need for Hearing**

This ruling confirms this case as an adjudication scheduled for hearing, as preliminarily determined in the Instructions to Answer. The Commission will hold the scheduled hearings in its Los Angeles office, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, California, starting at 10 a.m. on July 16, 2002.

## **Designation of Presiding Officer**

Administrative Law Judge Janice Grau will be the presiding officer.

## **Ex Parte Rules**

Ex parte communications are prohibited in adjudicatory proceedings under Pub. Util. Code § 1701.2(b) and Rule 7 of the Commission's Rules of Practice and Procedure.

**IT IS RULED** that:

1. The scope of the proceeding is as set forth herein.
2. The schedule for this proceeding is as set forth herein.
3. The presiding officer will be Administrative Law Judge Grau.
4. This ruling confirms that this proceeding is an adjudication scheduled for hearing.
5. Ex parte communications are prohibited under Pub. Util. Code § 1701.2(b) and Rule 7 of the Rules of Practice and Procedure.

Dated May 1, 2002, at San Francisco, California.

/s/ HENRY M. DUQUE

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Henry M. Duque  
Assigned Commissioner

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Ruling and Scoping Memo on all parties of record in this proceeding or their attorneys of record.

Dated May 1, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.